

App. No. 09/668,042
Amdt. Dated March 6, 2003
Reply to Office Action of January 6, 2003
Atty. Dkt. No. 035586-2002

REMARKS

This reply is responsive to an Office Action mailed on January 6, 2003. Claims 1-11 were pending in the application and were rejected in the Office Action. By way of this reply, Applicant has amended claims 3, 5, 7, and 8, cancelled claims 1, 9 and 10 without prejudice, and re-presented dependent claim 2 in independent form as new claim 12. Accordingly, claims 3-8, 11 and 12 are submitted for reconsideration by the Examiner.

The amendments to the claims were made to clarify the scope of the invention. No new matter was added, and no new searches should be required. Thus, the amendments comply with Rule 116(b).

The amendments to the claims were clarifying amendments, and there is no intent to surrender equivalents.

Claim Rejections - 35 U.S.C. §102

Claims 3, 4 and 8-11 have been rejected under 35 U.S.C. §102(e) as being anticipated by Nelson patent 6,183,043B1.

Claim 3 is now dependent on claim 12 (re-presented - formerly dependent claim 2). Claim 12 specifies a quick release/connection arrangement having a combination of, amongst other things, "a seat receiving structure having a pair of latching portions", "a lever-operated rotatable locking element", "a base member on which said seat receiving structure is pivotally supported" and "resilient biasing arrangement". This combination is not shown, nor suggested, in the Nelson patent.

Independent claim 8 specifies, amongst other things, "a pair of rods fixed to the base member for interconnecting the base member and the clamp disposed on the chassis". Thus, the mounting arrangement claimed in claim 8 as amended is not disclosed, nor suggested in the Nelson patent, or in any of the other cited references.

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The Nelson patent discloses a seat which is releasably clamped to a chassis. One embodiment of the clamping device is shown in Figs. 12 and 13, and another embodiment of the Nelson device is shown in Figs. 14 and 15. For example, as shown in Figs. 14 and 15, a clamping device having a pair of clamp half members 372 and 375 are adapted to receive rails 16 of a seat. See column 14, lines 30-32, as follows "The clamp half 372 has channel halves 374 for receiving the rails 16 (as shown in Fig. 1 and Fig 12) of a seat (not shown in Figs. 14 to 15)".

Regarding claims 2 and 3, the Examiner is stating that the Nelson patent anticipates under 35 U.S.C. §102 the combination disclosed in new claim 12 by combining two separate embodiments of the Nelson patent; namely, the two different clamping arrangements shown in Figs. 12 and 14. There is no suggestion in the Nelson patent of combining these teachings. Contrarywise, these two clamping devices are indicated to be alternative embodiments.

As to the rejection of claim 8, there is no disclosure, nor suggestion of "a pair of rods fixed to the base member for interconnecting the base member and the clamp disposed on the chassis". The embodiment shown in Fig. 12 of the Nelson patent does not disclose any base member whatsoever. The embodiment shown in claim 14 discloses a two part clamp for engaging the rails of a seat. Thus, there clearly is no disclosure of a base member having a pair of rods for interconnecting the base member and a clamp disposed on the chassis. In this regard, the claimed embodiments of the invention as claimed in claim 8 as amended, relate to a self-contained device which interconnects a clamp mounted on a chassis to a seat in a convenient-to-use manner. In this regard, the device as claimed in claim 8 can be readily attached without tools to a clamp of a chassis by utilizing the pair of rods fixed to the base member. The "seat receiving platform pivotally supported on a base member" is provided with "a pair of latching portions" used for attaching to the seat. In this manner, the claimed device can be quickly attached to a clamp mounted on a chassis, and then seats can be readily attached to the device so that a

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variety of different seats may be swapped for the chassis. This arrangement is not disclosed, nor suggested, in the Nelson patent or the other cited art of record.

Therefore, claims 3, 4, 8 and 12 patentably distinguish over the Nelson patent.

Claims 3, 8 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent 5,228,796 to Kao.

The Kao patent discloses a bicycle saddle tightening device having a mechanism for securing a seat to a bicycle chassis. The underside of the device has a post or pillar 5 adapted to be received in a seat tube 8. Thus, there clearly is no disclosure, nor suggestion of "a pair of rods fixed to the base member for interconnecting the base member and the clamp disposed on the chassis" as specified in claim 8 as amended. Also, as mentioned in new claim 12, there is no disclosure, nor suggestion, of "resilient biasing arrangement which operatively interconnects the seat receiving structure with the base member". Thus, claims 3, 8, 11 and 12 patentably distinguish over the Kao patent.

Claims 2 and 6 have been rejected under 35 U.S.C. §103 as being unpatentable over Kao in view of U.S. patent 6,213,553B1 to Fitz.

The Fitz patent discloses a clamp arrangement for clamping a seat element to a seat post 107. It is clear that the seat post 107 as shown in Fig. 15A is fixed to the clamp device. Thus, as stated in claim 12, there is no suggestion, nor teaching, of a combination of "a seat receiving structure having a pair of latching portions" and "resilient biasing arrangement which operatively interconnects the seat receiving structure with the base member."

The Kao patent discloses a releasable tightening member, and the Fitz patent discloses a resilient arrangement. However, there is no motivation to combine the teachings of these two patents. The Examiner is indicating that the motivation is provided by "the suggestion in Fitz that the mounting arrangement provides tilting action to prevent

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back pain while riding". However, it does not disclose, suggest or motivate one to combine a resilient mounting arrangement with a "seat receiving structure having a pair of latching portions". The fact that Fitz is suggesting that the mounting arrangement provide "tilting action to prevent back pain while riding" is not the required motivation to reject the claimed combination of new claim 12 (re-presented dependent claim 2). Also, the similar lack of motivation applies to the rejection of the original claim 6, which also claims the combination of "a seat receiving platform which is pivotally supported on a base member, said platform having a pair of latching portions" and "a resilient biasing member". There is no motivation to combine the teachings of the Kao patent and the Fitz patent.

Thus, claim 12 and original claim 6 patentably distinguish over the Kao patent, either taken alone or in combination with the Fitz patent.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kao in view of Fitz as applied to claims 2 and 6, and further in view of patent 4,836,604 to Romano.

Claim 7 as amended patentably distinguishes over the Kao and Fitz patents for the reasons mentioned previously in connection with the discussion of claims 2 (re-presented as new claim 12) and 6.

Romano patent discloses a saddle pillar for bicycles which includes a lever and a cam together with a shaft. However, it clearly does not disclose, nor suggest, "a pair of rods which are fixed to the base and interconnect the base member and a clamp on a chassis" as specified in claim 7 as amended. Thus, claim 7 patentably distinguishes over the Kao patent in view of the Fitz patent and further in view of the Romano patent.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kao in view of U.S. patent 4,772,069 to Szymiski.

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Claim 5 as amended is dependent upon new claim 12, which specifies, amongst other things, a "resilient biasing arrangement which operatively interconnects the seat receiving structure with the base member". The Szymiski patent discloses a longitudinally adjustable saddle, which has a mounting mechanism welded at 54 to the bicycle post 24. Thus, the Szymiski patent does not disclose, nor suggest, a "resilient biasing arrangement which operatively interconnects the seat receiving structure with the base member" as specified in new claim 12. Claim 5 is dependent on new claim 12, and thus is allowable along with its independent claim 12.

Thus, claims 5 and 12 patentably distinguish over the Kao patent, either taken alone or in combination with the Szymiski patent.

The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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